

United States District Court

for the

Eastern District of New York

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Matthew Allen

Case Number CR-01-1231

Name of Sentencing Judicial Officer: The Honorable Allyne R. Ross, U.S. District Judge

Date of Original Sentence: November 21, 2002

Original Offense: A Felon in Possession of a Firearm, in violation of 18 U.S.C. 922(g) and 924(a)(2)

Original Sentence: 42 months CAG, 3 years TSR, a search condition, and a \$100 S.A.F.

Type of Supervision: Supervised Release

Date Supervision Commenced: July 1, 2004

PETITIONING THE COURT

☐ To extend the term of supervision for years, for a total term of years.

☒ To modify the conditions of supervision as follows:

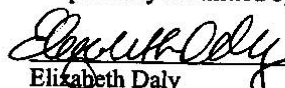
"The defendant shall perform 25 hours of community service in a manner approved by the Probation Department. The defendant will cooperate in allowing the Probation Department to confirm the community service is completed."

CAUSE


On November 9, 2005, Allen reported to his probation officer that on October 29, 2005, he had been arrested and charged with Disorderly Conduct. The Probation Department investigated this incident, and it was learned that on October 29, 2005, at 9:33 p.m., in front of 448 Saint John's Place, in Brooklyn, N.Y., the releasee was arrested by officers of the N.Y.P.D., and charged with two counts of Disorderly Conduct, in violation of N.Y.S. Penal Law 240.20.03 and 240.20.06 (See attached arrest report). According to the arresting officer, Allen was drinking alcohol from an open container in public, and was issued a summons. At that time, Allen ripped up the summons and began to yell at, and make obscene gestures towards, the officers. He was then placed under arrest. The charges was adjourned in contemplation of dismissal, with a next court appearance scheduled for April 28, 2006.

As a sanction for the aforementioned incident, the Probation Department is proposing that Allen complete 25 hours of community service. On November 30, 2005, Allen was presented with, and signed the attached Probation Form 49, waiving his right to a hearing for the imposition of same.

Respectfully submitted by,


Elizabeth Daly
U.S. Probation Officer
Date: 12/6/05

Approved by,


Eileen Kelly
Deputy Chief U.S. Probation Officer
Date: 12/6/05

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

Signature of Judicial Officer

Date

United States District Court
EASTERN DISTRICT OF NEW YORK

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and the assistance of counsel before any unfavorable change(s) may be made in my conditions of Probation and/or Supervised Release or before my period of supervision can be extended. By assistance of counsel, " I understand that I have the right to be represented at a hearing by counsel of my choosing if I am able to retain counsel. I also understand that I have the right to request that the Court appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel. "


I hereby voluntarily waive my statutory right to a hearing and to the assistance of counsel. I also hereby agree to the following modification (s) of my conditions of Probation and/or Supervised Release or to the proposed extension of my term of supervision:

The defendant shall perform 25 hours of community service in a manner approved by the Probation Department. The defendant will cooperate in allowing the Probation Department to confirm the community service is completed.

Witness:


U.S. Probation Officer

Signed:


Probationer or Supervised Releasee

11/30/05
Date